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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of )  
)  
Revision of the Commission's Rules ) CC Docket 94-102  
to Ensure Compatibility with ) RM-8143  
Enhanced 911 Emergency Calling Systems )

REPLY OF NENA AND NASNA

The National Emergency Number Association ("NENA") and the National Association of State Nine One One Administrators ("NASNA") hereby reply to the comments of others on three petitions for reconsideration of the Commission's Third Report and Order in the captioned proceeding ("Order").<sup>1</sup> In the Order, the Commission revised its Phase II rules for location of wireless callers by permitting the phased deployment of "location-determining hardware and/or software in a portable or mobile phone." 47 C.F.R. §20.3

For the most part, the commenters are carriers and handset-based location technology vendors who urged the change in the rules. Now they

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<sup>1</sup> Petitions were filed December 6, 1999 by Nokia and Motorola (jointly), Aerial Communications and Sprint PCS. Owing to FCC administrative error, effective notice of the receipt of the petitions was not printed in the Federal Register until February 7, 2000. Comments in support or opposition were due February 22<sup>nd</sup>, and replies to these comments are due March 3, 2000.

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wish to delay the fulfillment of their own advocacy. Only KSI perceives, and NENA/NASNA agree, that the need for regulatory certainty outweighs the claims for further delay. *See also*, APCO Opposition, 2,

The Commission should deny the petitions, stay the course and keep the pressure on equipment manufacturers, location vendors and wireless carriers to meet the achievable Phase II targets. In particular, it should reject GTE's request to put off for nine months the October 2000 date for carriers to choose "the location-determination technology they plan to employ," 47 C.F.R. §20.18(h).

Motorola and Nokia's  
requests are not supported.

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When carriers and handset-location vendors were urging waiver or revision of the rules, they were unfailingly optimistic about the availability of ALI-capable equipment. For example, US WEST Wireless, one of the advocates for delay here, stated:

US WEST has been informed by three vendors that ALI-capable handsets should be available in advance of the Phase II implementation deadline – possibly as early as the fourth quarter of 2000.<sup>2</sup>

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<sup>2</sup> Petition for Waiver, February 4, 1999, 8.

Petitioners Motorola and Nokia fail to enlighten us on the vanished optimism. They find it sufficient to declare, without explanation, that the October 1, 2001 date “does not provide a realistic time in which to design, manufacture and distribute ALI-capable handsets in the volumes required by the new rules.” (Petition, 5) The carrier commenters then place their sole reliance on this conclusory statement.

Commendably, Motorola and Nokia part company with their carrier supporters when it comes to the requirement that, once a PSAP has requested Phase II service from a handset-based ALI carrier, “100 percent of all new handsets activated are location-capable.” 47 C.F.R. §20.18(g)(2)(A). This is as it should be. First priority in supplying ALI-enabled handsets should go to customers in “ready PSAP” areas. NENA/NASNA see it as part of public safety organizations’ duty to help carriers determine how to identify those customers served by Phase II-ready PSAPs.<sup>3</sup>

Motorola and Nokia differ, however, with the FCC’s view that an ample supply of ALI-enabled handsets for the late-2001 and 2002 periods is best assured by beginning deployment several months in advance. They assume PSAPs have been expecting Phase II ALI no earlier than October

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<sup>3</sup> NENA currently is promoting a series of forums and web-based lectures to further understanding of the Phase I and Phase II implementation requirements in the PSAP community.

2001 – although the rules do not forbid quicker compliance – and complain that requiring sales of enabled handsets to begin in March 2001 is “an extraordinary burden” without public benefit. (Petition, 4)

This priming of the handset-ALI pump was a conscious policy choice by the FCC. (Order, ¶41) Again, petitioners offer no documentation in rebuttal. They do not claim inability to manufacture at least some capable handsets by March 2001.<sup>4</sup> Perhaps the 50% and 95% new activation targets ultimately will prove too aggressive, but on this record the manufacturers and their supporters have not made the case for a change in the rules.

The tighter accuracy requirements  
were part of the bargain proposed  
by advocates of ALI handset phase-in.

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Petitioner Aerial objects to the tightening of accuracy requirements for handset-based ALI, partly on the procedural ground that public notice of such an outcome was not properly given. This is incorrect. As far back as the Further Notice of Proposed Rulemaking that accompanied the First Report and Order in this docket, the Commission has sought comment on

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<sup>4</sup> Commenter Qualcomm anticipates initial deployment for handsets in first quarter 2001 of its MSM 3300 and gpsOne software/chipset solutions for CDMA carriers “to the extent that CDMA handset vendors are committed to meeting the Commission’s deadlines.” (Comments, 2) All the more reason to maintain the current schedule.

improving accuracy beyond the 125-meter RMS original Phase II standard.<sup>5</sup> Most recently, in the public notice leading directly to the challenged Order, the FCC laid out a SnapTrack proposal clearly suggesting increased accuracy as a positive trade for the phasing-in of handset ALI beyond the October 2001 flash-cut deadline in the initial rules.<sup>6</sup>

Now SnapTrack joins the vendor and carrier chorus claiming discrimination because network-based ALI need not be so accurate. (Comments, 6) SnapTrack asked for the disparate treatment, as a bargaining chip against its inability to meet the October 2001 deadline. Potential carrier customers supported the tradeoff, including phased introduction of ALI handsets. The Commission essentially granted their requests.

Aerial's claim (Petition, 2) that the ALI standards for handsets are not supported by vendor trials is inaccurate. IDC reported, and King County 911 supported, results of 150 feet for 74% of calls. This is highly congruent with the 50-meter-67% standard in the new Phase II rule.<sup>7</sup>

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<sup>5</sup> 11 FCC Rcd 18676 (1996).

<sup>6</sup> Public Notice, DA99-1049, June 1, 1999, 3.

<sup>7</sup> If Motorola and Nokia are correct in their concern that Phase II accuracy standards "may need to be modified" depending on the FCC's choice of compliance verification methods, there will be time enough for this later. NENA/NASNA find it difficult to believe that details of measurement methodology will significantly change achievable accuracy.

The October 2000 reporting  
deadline should stand.

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GTE attempts to enlist Motorola and Nokia in support of its singular request that the October 2000 deadline for carriers to report Phase II ALI technology choice and compliance verification method be moved forward nine months. The petitioners make no such request. Instead, they speculate that the compliance verification proceeding is not likely to be finished “substantially in advance” of October. (Petition, 6) We are not told how much more lead time is needed.

Again, NENA/NASNA find it difficult to understand – and neither GTE nor any other commenter explains – how refinements of measurement methods are likely to change a carrier’s mind about the larger question of Phase II ALI preference. The Commission adopted the reporting deadline as a planning tool at the suggestion of a vendor-carrier coalition that included SnapTrack, US WEST Wireless, AT&T, Aerial, Qualcomm and IDC. (Order, ¶87, and notes 128 and 65) The date need not and should not be put off.

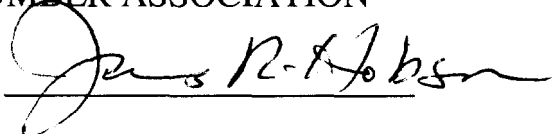
## CONCLUSION

The Commission extended Phase II ALI compliance deadlines and revised accuracy requirements based on the testimony of vendors and

carriers who now – six months later – are seeking additional revisions. For the reasons discussed above, the Phase II ALI rules should remain as adopted in the Third Report and Order. Seven years into the wireless E9-1-1 effort, the need for regulatory certainty outweighs the undocumented appeals for more change and more delay.

Respectfully submitted,

NATIONAL EMERGENCY  
NUMBER ASSOCIATION

By 

James R. Hobson  
Donelan Cleary Wood & Maser, P.C.  
1100 New York Avenue, N.W., #750  
Washington, D.C. 20005-3934  
(202) 371-9500

W. Mark Adams, Esq.  
Executive Director, NENA  
P.O. Box 360960  
Columbus, Ohio 43236  
(800) 332-3911

Jim Goerke  
President, NASNA  
Executive Director, TX-ACSEC  
333 Guadalupe Street, Suite 2-212  
Austin, TX 76701

March 3, 2000

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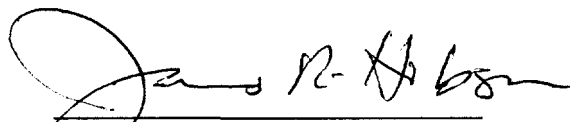
Copies of the foregoing "Reply of NENA and NASNA" were served  
by U.S. mail on this day to:

AERIAL COMMUNICATIONS  
Brian T. O'Connor, Esq.  
8410 West Bryn Mawr, Suite 1100  
Chicago, IL 60631

MOTOROLA  
Mary E. Brooner  
1350 Eye Street, N.W.  
Suite 400  
Washington, D.C. 20005

NOKIA, INC.  
Leo Fitzsimon  
1100 Connecticut Avenue, N.W.  
Suite 910  
Washington, D.C. 20036

SPRINT PCS  
Jonathan M. Chambers  
1801 K Street, N.W.  
Suite M112  
Washington, D.C. 20006

A handwritten signature in dark ink, appearing to read "James R. Hobson", written over a horizontal line.

James R. Hobson  
March 3, 2000